

*Regular Council Meeting
September 6, 2005*

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**TOWN OF BUCKEYE
REGULAR COUNCIL MEETING
SEPTEMBER 6, 2005
MINUTES**

**Town Council Chambers
100 N. Apache Road
Buckeye, AZ 85326
7:00 p.m.**

1. Call to Order/Pledge of Allegiance/Roll Call.

Mayor Hull lead the Pledge of Allegiance and called the meeting to order at 7:03 p.m.

Members Present: Councilman Meck, Councilman Beard, Vice Mayor Urwiller, Mayor Hull, Councilwoman May, Councilman Doster, and Councilman Garza.

Members Absent: None

Departments Present: Town Manager Carroll Reynolds, Town Attorney Scott Ruby, Town Clerk Linda Garrison, Deputy Clerk Lucinda Aja, Parks and Rec Director Jeanine Guy, Fire Chief Scott Rounds, Fire Marshal Bob Costello, Finance Director Ron Brown, Human Resources Director Toni Brown, Town Engineer Woody Scoutten, Airport Director Jason Hardison, Economic Development Director Richard Chapman, and Information Technology Director Dee Hathaway.

2. Comments from the Public

Mr. Junior Adams-Budget concerns about the Sonora Wall Project

Jeanine Wier-Budget concerns about the Sonora Wall Project

Richard Adams-Spoke about possible weed control alternatives

Approval of items on the Consent Agenda –There will be no separate discussion of these items unless a Councilmember requests. Motion made by Councilman Beard and seconded by Councilman Meck to approve items *3, *4, *5A, *5B, *5C, *5D, *5E, *5F, *5G, *5H, and *5I as presented. Motion passed unanimously.

CONSENT AGENDA

*3. Council approved the minutes of the August 16, 2005 Regular Council meeting.

*4. Council approved invoices due by the Town for payment. Copies of invoices are available at Town Hall.

5. Old Business

*5A. Council adopted Ordinance 44-05 pertaining to the National Flood Insurance Program, adopting by reference revised flood insurance study and floor insurance rate maps, and floodplain management regulations; providing for repeal of conflicting ordinance; providing for severability, providing penalties and read by title only.

5. New Business

*5B. Council approved the Final Plat for Verrado Parcel 4.805, Planning Unit IV, within the Verrado Master Planned Community, subject to staff stipulations. Request by Kurt Jones, AICP of Biskind, Hunt, and McTee, P.L.C. for the Final Plat consisting of approximately 72 residential lots and 17 tracts on 8.21 acres. DMB FP05-63

*5C. Council approved the expansion of the Police Department network and facility access systems to the Police Department modular facilities to be funded from line item 102-60-538 in an approximate amount of \$22,939.04.

*5D. Council approved the request from the Police Department to purchase a vehicle for commercial vehicle stops and K9 Team with grant funds from the Department of Public Safety through the Motor Carrier Safety Assistance Program in an approximate amount of \$46,120.

*5E. Council approved a request from the Police Department to purchase collision and crime scene mapping equipment from line item 010-60-598 in an approximate amount of \$18,656.19.

*5F. Council awarded the bid to the lowest responsive bidder, Balar Equipment, for the purchase of a truck mounted unitized patcher in the amount of \$140,304.94 for the Public Works Department and to be charged to line item 071-50-707.

*5G. Council approved the purchase one 110 Tractor-Loader/Backhoe from A to Z Equipment through contract pricing on the Mohave contract for the water and sewer department in the amount of \$42,354.20.

*5H. Council authorized the payment of \$18,000 in civil penalty fines to the Arizona Department of Water Resources for withdrawing groundwater in excess of the grandfathered water rights.

*5I. Council ratified the emergency contract with Taylor Enterprises for a new roof for the Library in an amount not to exceed \$16,900.

NON CONSENT AGENDA ITEMS

6. New Business

6A. Public Hearing-DRM Farms

A Public Hearing was opened at 7:15 p.m. to hear citizen input on the proposed Area Plan of approximately 319 acres located on the northeast corner of Southern Avenue and Watson Road to amend the General Plan Use designations from Single Family Residential and Mixed Economic Use to Single Family Residential and General Commercial requested by Denise Lacey of RBF Consulting on behalf of DRM Farms. Community Development Director Bob Bushfield told Council that the density was normal. Denise Lacey from RBF Consulting and Robin Hogan from Concordia were available to answer Council's questions about the proposed area plan. Town Engineer Woody Scoutten said that it is approximately 3-5 dwellings per acre and the sewer capacity would be run by the project. There being no questions from the public the hearing was closed at 7:37 p.m.

6B. Resolution 62-05 Rezoning DRM FARMS AP05-03

Requested by Denise Lacey of RBF Consulting on behalf of DRM Farms. Motion made by Councilman Meck and seconded by Councilman Beard to adopt Resolution 62-05 approving an Area Plan known as Buckeye Farms on approximately 319 acres generally located on the northeast corner of Southern Avenue and Watson Road subject to attached stipulations and amend the General Plan Land Use designations from Single Family Residential and Mixed Economic Use to Single Family and General Commercial. Motion passed unanimously.

6C. Ordinance 45-05 Rezoning- DRM FARMS RZ05-19

Requested by Denise Lacey of RBF Consulting on behalf of DRM Farms. Motion made by Vice Mayor Urwiller and seconded by Councilman Meck Council to adopt Ordinance 45-05 amending the Land Use District Map of the Town on approximately 281 acres and the rezoning of approximately 281 acres that is currently agricultural farmland generally located on the northeast corner of Southern Avenue and Watson Road from the Planned Community Land Use District to the Planned Residential Land Use District and read by title only. Motion passed unanimously.

6D. Ordinance 46-05 Rezoning FT GROUP, L.L.C. RZ05-20

Requested by Peter Valenzuela of The Genesis Group, L.L.C. on behalf of the FT Group, L.L.C. Community Development Director Bob Bushfield told Council that a Public Hearing had been conducted and the proper notification process had been followed with not inquiries. Mr. Valenzuela said that all the property owners had been properly notified and the proper procedure had been followed. After some discussion a motion made by Councilman Meck and seconded by Councilwoman May to adopt Ordinance 46-05 amending the Land Use District Map of the Town on approximately 7.01 gross acres located at Southern Avenue and Jackrabbit Trail from Maricopa County Rural-43 to the Commercial Center (CC) Land Use District and read by title only. Motion passed unanimously.

6E. Ordinance 47-05 Rezoning FT GROUP, L.L.C. RZ05-02

Requested by Peter Valenzuela of The Genesis Group, L.L.C. on behalf of the FT Group, L.L.C. Community Development Director Bob Bushfield told Council that a Public Hearing had been conducted and the proper notification process had been followed with not inquiries. Mr. Valenzuela said that all the property owners had been properly notified and the proper procedure had been followed. After some discussion a motion made by Councilman Meck and seconded by Councilwoman May to adopt Ordinance 47-05 amending the Land Use District Map of the Town on approximately 73.14 acres located at Southern Avenue and Jackrabbit Trail from Maricopa County Rural-43 to Planned Residential (PR) Land Use District and read by title only. Motion passed unanimously.

6F. PUBLIC HEARING-GRAY REAL ESTATE HOLDING, L.L.C. AND EVERGREEN-BASELINE & WATSON AP05-05

Requested by Ed Bull of Burch & Cracchiolo, P.A. on behalf of J.P. & C.B. Gray Real Estate Holdings, L.L.C. and Evergreen-Baseline & Watson, L.L.C. J.P. 7 C.B. a Public Hearing was opened at 8:03 p.m. to hear citizen input on the proposed Area Plan of approximately 233 acres (Wingate and Wingate East) to be located south of Baseline Road (MC85) and north of Beloit Road. Community Development Director Bob Bushfield explained to Council that the flood plane boundaries had been removed and this is now developable land. There being no comment from the public the hearing was closed at 8:15.

6G. Resolution 63-05-Wingate and Wingate East Area Plans- J.P. 7 C.B.GRAY REAL ESTATE HOLDING, L.L.C. AND EVERGREEN-BASELINE & WATSON AP05-05

Requested by Ed Bull of Burch & Cracchiolo, P.A. on behalf of J.P. & C.B. Gray Real Estate Holdings, L.L.C. and Evergreen-Baseline & Watson, L.L.C. After some discussing motion made by Councilman Beard and seconded by Vice Mayor Urwiller to adopt Resolution 63-05 approving an Area Plan known as Wingate and Wingate East on approximately 233 acres generally located south of Baseline Road and north of Beloit Road. Motion passed unanimously.

6H. Ordinance 48-05-Rezoning- J.P. 7 C.B.GRAY REAL ESTATE HOLDING, L.L.C. AND EVERGREEN-BASELINE & WATSON RZ05-15

After some discussion motion made by Vice Mayor Urwiller and seconded by Councilwoman May to adopt Ordinance 48-05 amending the Land Use District Map of the Town on approximately 233 gross acres located south of Baseline Road and north of Beloit Road from Maricopa County Rural-43 and Planned Community to the Planned Residential (PR) Land Use District for the development of Wingate and Wingate East Communities and read by title only. Motion passed unanimously.

6I. PUBLIC HEARING- Gammage and Burnham on behalf of KB Homes- Community Master Plan called Copper Falls COPPER FALLS CMP04-159

A Public Hearing was opened at 8:17 p.m. to hear citizen input on a request from Manjula Vaz of Gammage and Burnham on behalf of KB Homes for a proposed Community Master Plan called Copper Falls. The proposed Community Master Plan consists of approximately 275 acres generally located on the northwest corner of Southern Avenue and Miller Road. Kay Bigalow of Gammage & Burnham on behalf of KB Homes was available to answer questions. After some discussion the hearing was closed at 7:20 p.m.

6J. Ordinance 49-05- Development Agreement and the Community Master Plan for the Development known as Copper Falls COPPER FALLS CMP04-159

Requested by Manjula Vaz of Gammage and Burnham on behalf of KB Homes. After some discussion a motion made by Councilwoman May and seconded by Councilman Beard to table Ordinance 49-05 approving both a Development Agreement and the Community Master Plan for the Development known as Copper Falls, a Master Planned Community by KB Home Phoenix, Inc. and Triyar Management of AZ on approximately 275 acres of land located on the northwest corner of Miller Road and Southern Avenue, authorizing and directing the Mayor to sign the Development Agreement on behalf of the Town and read by title only. Motion passed unanimously.

6K. PUBLIC HEARING –Liquor License Application Request by Rudina Sezairi

A public hearing was opened at 8:53 p.m. to hear citizen input on the request by Rudina Sezairi for a Series 12 liquor license application at the southwest corner of Watson Road and Yuma Road. (Fry's Marketplace Shopping Center). Councilman May pointed out that the Sundance School was not listed on the application. There being no further comments the hearing was closed at 8:55 p.m.

6L. Liquor License for Palermo's Pizza requested by Rudina Sezaira

Motion made by Vice Mayor Urwiller and seconded by Councilman Beard to approve the request for a Series 12 Liquor License for Palermo's Pizza requested by Rudina Sezaira for the southwest corner of Watson Road and Yuma Road with the stipulation that the application must list Sundance School and its location. Mayor Hull, Councilman Doster, and Councilman Garza voted aye. Councilman Meck and Councilwoman May voted nay. Motion carried.

6M. Guaranteed Maximum Price #2 (GMP #2) Clear Creek Associates, PLC in an amount not to exceed \$565,540

Public Works Director Joe Guidice was available to answer Council's questions about the agreement. After some discussion motion made by Councilman Meck and seconded by Councilwoman May to approve Guaranteed

Maximum Price #2 (GMP #2) for Clear Creek Associates, PLC to provide CM & Risk services for project management and construction services for Well #14, subject to those minor changes necessary to finalize the agreement in an amount not to exceed \$565,540 with the stipulation that a provision contract will be included. Motion passed unanimously.

6N. Public Works office building not to exceed \$930,000

Public Works Director Joe Guidice explained that the price was for a turnkey building and the structure would be on a permanent foundation and would look like a permanent structure. After some discussion motion made by Vice Mayor Urwiller and seconded by Councilwoman May to approve Council to approve the request to purchase a Public Works office building, perform related installation and site work, and purchase furniture in an amount not to exceed \$930,000. Councilman Meck, Mayor Hull, Councilman Doter, and Councilman Garza voted aye. Councilman Beard voted nay. Motion carried.

6O. LEA-Architects-Future Town Hall amount of \$8,900.

Motion made by Councilman Beard and seconded by Councilwoman May to reject the request to amend LEA-Architects scope of work to include evaluation of "Downtown" for a future Town Hall complex to be funded from line item 190-50-555 an approximate amount of \$8,900. Motion passed unanimously.

6P. Federal Aviation Administration Grant in the amount of \$200,000 to conduct a Noise Compatibility Plan Study. Total contract with Town and State portion \$210,526.31.

Motion made by Councilwoman May and seconded by Councilman Beard to authorize the acceptance of a Federal Aviation Administration Grant in the amount of \$200,000 to conduct a Noise Compatibility Plan Study (Part 150) for the airport and its surrounding areas. Total contract with Town and State portion \$210,526.31. Motion passed unanimously.

6Q. Authorization of Services with Coffman Associates, Inc. in the amount of \$208,500 for the Airport Noise Compatibility Plan Study.

Motion made by Vice Mayor Urwiller and seconded by Councilman May to approve the Authorization of Services with Coffman Associates, Inc. in the amount of \$208,500 for the Airport Noise Compatibility Plan Study. Motion passed unanimously.

6R. Ordinance 50-05-Town Code Amendment Chapter 18, Sections 18-1-2 and 18-1-3, relating to the Airport Advisory Commission of the Town of Buckeye

Motion made by Vice Mayor Urwiller and seconded by Councilwoman May to Council to adopt Ordinance 50-05 amending the Town Code of the Town of Buckeye, Chapter 18, Sections 18-1-2 and 18-1-3, relating to the Airport Advisory Commission of the Town of Buckeye. Motion passed unanimously.

6S. Purchase and Sale Agreement between the Town and AMI Enterprises, Inc. for Lots 16 and 17 of Central Buckeye (northwest corner of Monroe and Main Street).

Councilman Beard said the correct amount should be \$150,000, not \$300,000. Scott Ruby explained to Carla Walters that the language the owners wanted revised for the agreement is required by law. Motion made by Vice Mayor Urwiller and seconded by Councilwoman May to approve the Purchase and Sale Agreement between the Town and AMI Enterprises, Inc. for Lots 16 and 17 of Central Buckeye (northwest corner of Monroe and Main Street). Motion passed unanimously.

6T. Town Hall Building in an Amount Not to Exceed \$309,618

Motion made by Councilwoman May and seconded by Councilman Meck to approve site work expenditures for the 112x60 Town Hall building in an amount not to exceed \$309,618. Councilman Doster and Councilman Garza voted aye. Councilman Beard, Vice Mayor Urwiller, and Mayor Hull voted nay. Motion carried.

6U. Type 2 Water Right Sublease Agreement Between Warner Street Land Investments, LLC and the Town of Buckeye.

Motion made by Councilman Meck and seconded by Councilwoman May to Council to approve the Type 2 Water Right Sublease Agreement between Warner Street Land Investments, LLC and the Town of Buckeye. Motion passed unanimously.

7. Town Manager's Report

- Police Chief Saban's son in law was killed while serving in Iraq.
- There will be a minimal number of items on the September 20th meeting due to the League of Cities Conference.
- Council Retreat September 10th at Verrado.
- Update of Sonora Wall-by Town Engineer Woody Scoutten. This project is at a standstill.
- Sent two Firefighters to Louisiana to help with rescue.

8. Comments from the Mayor and Council

Councilman Meck-Congratulations to IT Director Dee Hathaway for completing his training.

Councilman Beard-None

Vice Mayor Urwiller-None

Councilwoman May-None

Councilman Doster-Informed Council about Title 1 percentages of Free Lunches.

Councilman Garza-None

Mayor Hull-Would like to donate for the Louisiana Flood Victims.

9. Adjournment.

Their being no further business motion made by Councilman Beard and seconded by Councilwoman May to adjourn the meeting at 9:53 p.m. Motion passed unanimously.

Dustin Hull, Mayor

ATTEST:

Linda Garrison, Town Clerk

I hereby certify that the foregoing is a true and correct copy of the Regular Meeting held on the 6th day of September, 2005. I further certify that a quorum was present.

Linda Garrison, Town Clerk